United Nations CTOC/COP/2014/1

Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Seventh session
Vienna, 6-10 October 2014

Annotated provisional agenda

Provisional agenda

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   (c) Protocol against the Smuggling of Migrants by Land, Sea and Air;
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Annotations

1. Organizational matters

(a) Opening of the seventh session of the Conference

The seventh session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime will be opened on Monday, 6 October 2014, at 10 a.m.

(b) Election of officers

In accordance with rule 22 of the rules of procedure for the Conference, at the opening of each session a President, eight Vice-Presidents and a Rapporteur shall be elected from among the representatives of the States parties that are present at the session. In electing the officers of the session, each of the five regional groups shall be represented by two officers, one of whom shall be from among the representatives of the States that are parties to the United Nations Convention against Transnational Organized Crime and to one or more, and if possible all, of the Protocols that have entered into force by the opening of the session. The Bureau shall include at least two representatives of States that are parties to all the instruments that have entered into force by the opening of the session.

In accordance with the practice established by the Conference, the offices of the President and Rapporteur of the Conference are normally subject to rotation among the five regional groups. Thus, at the seventh session, the President of the Conference and one Vice-President would be nominated by Eastern European States; Asia-Pacific States would be asked to nominate one Vice-President and the Rapporteur; and States of other regions would be asked to nominate two Vice-Presidents each.

(c) Adoption of the agenda and organization of work

At its sixth session, held in Vienna from 15 to 19 October 2012, the Conference adopted the provisional agenda for its seventh session in decision 6/1 (CTOC/COP/2012/15, chap. I.B).

Also at its sixth session, the Conference adopted decision 6/2 on the organization of the work of the seventh session of the Conference, in which it decided that the seventh session should take place over five working days; that the number of meetings should remain the same as for the previous sessions, that is, 20 meetings, with interpretation in the six official languages of the United Nations; and that a decision should be taken at the end of the seventh session on the duration of the eighth session.

Furthermore, in its decision 6/3 on the organization of work for future sessions of the Conference, the Conference decided that, for future sessions of the Conference,

starting with the seventh session, the firm deadline for the submission of draft resolutions would be two weeks prior to the commencement of the session, and that the deadline for the submission of draft resolutions emanating from the working groups, held concurrently with the plenary session of the Conference, would be on Thursday at noon, provided that the duration of the Conference was five working days.

Also in decision 6/3, the Conference further decided that, for future sessions of the Conference, starting with the seventh session, the Conference would be preceded by informal pre-session consultations, without interpretation, to be held on the working day preceding the first day of the Conference, which would provide an opportunity for States to engage in informal consultations on draft resolutions and, inter alia, the provisional agenda for the subsequent session of the Conference.

In accordance with Conference decision 6/3, the firm deadline for the submission of draft resolutions for consideration at the seventh session of the Conference is Monday, 22 September 2014. The informal pre-session consultations will be held on Thursday, 2 October 2014, the working day preceding the first day of the Conference, as Friday, 3 October is an official United Nations holiday. Draft resolutions should be submitted as early as possible in order to enable productive discussions during the pre-session consultations.

At its meeting held on 4 April 2014, the extended Bureau of the Conference agreed on the proposed organization of work of the seventh session of the Conference, as contained in the annex to the present document.

Documentation

Annotated provisional agenda (CTOC/COP/2014/1)

(d) Participation

Rule 14 of the rules of procedure for the Conference provides that, subject to prior written notification to the Secretary-General, any State or regional economic integration organization that is a signatory to the Convention in accordance with its article 36, paragraphs 1 and 2, shall be entitled to participate in the Conference as an observer.

Rule 15 of the rules of procedure provides that any other State or regional economic integration organization that has not signed the Convention in accordance with its article 36, paragraphs 1 and 2, may apply to the Bureau for observer status, which shall be accorded unless otherwise decided by the Conference.

Rule 16 of the rules of procedure provides that, subject to prior written notification to the Secretary-General, representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council, shall be entitled to participate as observers in the deliberations of the Conference. Representatives of any other relevant intergovernmental organization may also apply to the Bureau for observer status, which shall be accorded unless otherwise decided by the Conference. At its fifth session, the Conference decided

that the intergovernmental organizations listed in conference room paper CTOC/COP/2010/CRP.7 would receive a standing invitation under rule 16, paragraph 2, of the rules of procedure, to attend future sessions of the Conference.

Rule 17 of the rules of procedure provides that relevant non-governmental organizations having consultative status with the Economic and Social Council may apply to the Bureau for observer status, which should be accorded unless otherwise decided by the Conference. Should relevant non-governmental organizations not having consultative status with the Council apply for observer status, the secretariat will circulate a list of such organizations in accordance with rule 17. Furthermore, at its fifth session, the Conference decided to continue to allow non-governmental organizations to participate in the sessions of the Conference, in line with the rules of procedure and past practice (see CTOC/COP/2010/17, chap. II.D).

(e) Adoption of the report of the Bureau on credentials

By its decision 4/7, the Conference amended rule 18 of its rules of procedure, on submission of credentials, by modifying paragraph 3 and adding a new paragraph 4 to read as follows:

> "3. The credentials shall be issued by the Head of State or Government, by the Minister for Foreign Affairs or by the Permanent Representative to the United Nations of the State party in accordance with its domestic law or, in the case of a regional economic integration organization, by the competent authority of the organization.
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> "4. When the Conference is to consider proposals for amendments to the Convention in accordance with article 39 of the Convention and rule 62 of the rules of procedure for the Conference, the credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs of the State party or, in the case of a regional economic integration organization, by the competent authority of that organization."

According to rule 19 of the rules of procedure, the Bureau shall examine the credentials of representatives of each State party and the names of the persons constituting the State party's delegation and submit its report to the Conference. According to rule 20 of the rules of procedure, pending a decision of the Bureau on their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the Bureau has reported and the Conference has given its decision.

(f) General discussion

Under the sub-item entitled "General discussion", time is allowed for statements to be made on matters of a general nature that are related to the implementation of the Convention and that may be of interest to the Conference. A list of speakers will be opened by the secretariat on 6 August 2014, and all States are invited to indicate their intention to address the Conference under the sub-item. The list of speakers will remain open until noon on 6 October 2014. Inscription on the list will be on a first-come, first-served basis on the understanding that priority will be given to

representatives of ministerial or similar rank. Speakers are requested to limit their statements to three minutes.

2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

(a) United Nations Convention against Transnational Organized Crime

In its resolution 6/1 on ensuring effective implementation of the Organized Crime Convention and the Protocols thereto, the Conference reaffirmed the importance of the Convention and its Protocols as the main tools available to the international community to fight transnational organized crime.

In the same resolution, the Conference underlined the need for the urgent adoption of a mechanism for the review of implementation of the Convention and the Protocols thereto, aimed at assisting States parties in the implementation of the Convention and its Protocols, and urged Member States to continue to be actively engaged in that endeavour, on the basis of the work already accomplished by the open-ended intergovernmental working group on the review of the implementation of the Convention and the Protocols thereto. At its meeting held on 7 October 2013, the extended Bureau of the Conference agreed that informal consultations on establishing a review mechanism would be held and that the President of the Conference would invite Filippo Formica (Italy), on behalf of the extended Bureau, to facilitate the informal consultations in view of the very active role that Italy had played in spearheading recent resolutions at the Conference of the Parties, the General Assembly and the Commission on Crime Prevention and Criminal Justice. Under his facilitation, Member States have continued the dialogue on this matter, through informal consultations, as agreed by the extended Bureau of the Conference.

Furthermore, also in the same resolution, the Conference urged States parties to promote, within the United Nations system, a strategic, proactive and holistic response to transnational organized crime, and requested the Secretariat to submit to the Conference, at its seventh session, a report on measures taken to implement resolution 6/1 and to mainstream responses to transnational organized crime into the work of the United Nations system.

Under this agenda item, the Conference will have before it information on the status of ratification of the Organized Crime Convention and its Protocols and notifications, declarations and reservations thereto.

Documentation

Report of the Secretariat on ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2014/2)

Status of ratification of the United Nations Convention against Transnational Organized Crime and its Protocols and notifications, declarations and reservations thereto (CTOC/COP/2014/CRP.1)

(b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

In its resolution 6/1, the Conference decided that the mandates for the Working Group on Trafficking in Persons should be continued.

In the same resolution, the Conference stressed the need for full and effective implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, and expressed the view that the Plan of Action would, inter alia, enhance cooperation and better coordination of efforts to fight trafficking in persons and to fully implement the Convention and the Trafficking in Persons Protocol. Furthermore, the Conference welcomed the United Nations Office on Drugs and Crime (UNODC) issue paper on abuse of a position of vulnerability and other means within the definition of trafficking in persons and requested the Secretariat to continue its work on the analysis of key concepts of the Protocol by preparing similar technical papers. Also in the same resolution, the Conference further requested UNODC to increase its inter-agency coordination work concerning efforts to combat trafficking in persons, especially regarding the work of the Inter-Agency Coordination Group against Trafficking in Persons, and to promote the use of new technologies to raise awareness of the issue of trafficking in persons, through activities such as virtual teaching and the involvement of adolescents and young people in the development of prevention strategies in order to keep them mindful of the responsible use of information and communication technologies.

The Conference will have before it for its consideration of the item a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Trafficking in Persons Protocol.

In its decision 4/4, the Conference decided to establish an open-ended interim working group to advise and assist it in the implementation of its mandate with regard to the Trafficking in Persons Protocol (CTOC/COP/2008/19, chap. I). At its meeting held on 12 December 2013, the extended Bureau of the Conference agreed that the report on the meeting of the Working Group on Trafficking in Persons held in Vienna from 6 to 8 November 2013 would be transmitted to the Conference, at its seventh session, for its consideration.

Documentation

Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2014/3)

Note by the Secretariat transmitting the report on the meeting of the Working Group on Trafficking in Persons held in Vienna from 6 to 8 November 2013 (CTOC/COP/2014/6)

(c) Protocol against the Smuggling of Migrants by Land, Sea and Air

In its resolution 6/3 on the implementation of the Smuggling of Migrants Protocol, the Conference called upon States parties to continue to review and, as appropriate, strengthen their relevant legislation, including criminal legislation, and establish as

criminal offences the acts covered by the Smuggling of Migrants Protocol and the Organized Crime Convention, including by introducing appropriate sanctions commensurate with the nature and gravity of the offence. The Conference requested UNODC to continue its technical assistance and capacity-building efforts, in coordination and cooperation with bilateral assistance providers and other relevant international organizations that assist States parties, upon request, in implementing the Smuggling of Migrants Protocol, and to assist States, upon request, in ratifying or acceding to the Protocol.

In the same resolution, the Conference decided that the Working Group on the Smuggling of Migrants should continue to perform the functions set forth in Conference resolution 5/3 and also decided that the Working Group should hold at least one intersessional meeting prior to the seventh session of the Conference, noting in that regard the recommendation of the Working Group that the next meeting should focus on good practices in special investigative techniques and the establishment of multiagency centres. The Conference requested the Secretariat to continue to assist the Working Group in the performance of its functions, and to submit a report to the Conference at its seventh session on the implementation of resolution 6/3.

In its resolution 5/3 on the implementation of the Smuggling of Migrants Protocol, the Conference decided to establish an open-ended intergovernmental working group to advise and assist the Conference in the implementation of its mandate with regard to the Smuggling of Migrants Protocol. At its meeting held on 12 December 2013, the extended Bureau of the Conference agreed that the report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 11 to 13 November 2013 would be transmitted to the Conference, at its seventh session, for its consideration.

Documentation

Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2014/4)

Note by the Secretariat transmitting the report on the meeting of the Working Group on the Smuggling of Migrants held in Vienna from 11 to 13 November 2013 (CTOC/COP/2014/7)

(d) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition

In its resolution 6/2 on promoting accession to and implementation of the Firearms Protocol, the Conference recalled the functions assigned to it in article 32 of the Organized Crime Convention and expressed concern about the increased levels of harm and violence that transnational criminal organizations generated in some regions of the world as a result of the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. The Conference also recalled that the Convention and, in particular, the Firearms Protocol, were among the principal global legal instruments to combat the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

In the same resolution, the Conference urged States parties to the Firearms Protocol to harmonize their national legislation in a manner consistent with the Protocol, develop programmes of action to implement the Protocol, provide to the Secretariat full and up-to-date information on their national body or single point of contact and make use of the online directory of competent national authorities designated by States under the Firearms Protocol. Also in the same resolution, the Conference requested UNODC, in order to support ratification of, accession to and the implementation of the Organized Crime Convention and its Firearms Protocol, to promote knowledge- and awareness-raising activities, to assist Member States, upon request, in the adoption of national laws and strategies on firearms, to continue to facilitate, whenever possible, technical assistance to States consistent with needs identified by those Member States and to promote inter-agency and international cooperation.

For its consideration of this item, the Conference will have before it a report of the Secretariat on the activities of UNODC to promote and support the implementation of the Firearms Protocol.

Also in its resolution 6/2, the Conference took note of the information gathered thus far by UNODC in carrying out the study asked for by the Conference in its resolution 5/4, requested UNODC to improve methodology, in close consultation with Member States, and to complete the study in accordance with the given mandate, for consideration by the Conference at its seventh session, and called upon States to participate in and contribute to the study, as appropriate. The study on the transnational nature of and routes used in trafficking in firearms, which will be entitled "Global study on firearms", will be before the Conference for its consideration.

In its resolution 5/4, the Conference decided to establish an open-ended intergovernmental working group on firearms to advise and assist the Conference in the implementation of its mandate with regard to the Firearms Protocol, the second meeting of which was held from 26 to 28 May 2014. In its resolution 6/2, the Conference decided that the Secretariat, in cooperation with the Chair of the Working Group on Firearms, would prepare a report on the activities of the Working Group, to be submitted to the Conference at its seventh session. The report of the Chair on the activities of the Working Group, including its recommendations, will be before the Conference for its consideration.

Documentation

Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2014/5)

Report submitted by the Chair of the Working Group on Firearms on the activities of the Working Group (CTOC/COP/2014/8)

Global study on firearms: the transnational nature of and routes used in trafficking in firearms (CTOC/COP/2014/CRP.2)

3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime

In its resolution 6/1, the Conference noted with concern the emergence of new forms and dimensions of transnational organized crime and reaffirmed that the Convention, as a global instrument with wide adherence, offered a broad scope for cooperation to address existing and emerging forms of transnational organized crime, and recognized the need for accurate information on global crime trends and patterns, including on new and emerging forms of organized crime, and the need to improve the quality, scope and completeness of data relating to organized crime.

In the same resolution, the Conference welcomed the outcomes of the joint discussion on trafficking in cultural property of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation held at the sixth session of the Conference, subject to the conditions noted in the report by the co-chairs, endorsed the recommendations of the joint discussion of the two working groups, encouraged Member States and the Secretariat to conduct further work on the matter and requested the Secretariat to bring the specific guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, after their finalization, to the attention of the Conference for the purpose of implementing the Convention.

In addition, in its resolution 68/186, the General Assembly requested the Secretariat, pursuant to Conference resolution 6/1, to bring the guidelines, after their adoption, to the attention of the Conference. The Commission on Crime Prevention and Criminal Justice, at its twenty-third session, recommended to the Economic and Social Council the approval of a draft resolution entitled "International Guidelines for Crime Prevention and Criminal Justice Responses with respect to Trafficking in Cultural Property and Other Related Offences" (E/2014/30-E/CN.15/2013/20, chap. I.A), for adoption by the Assembly. The Assembly is expected to consider the guidelines at its sixty-ninth session.

4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities

In its resolution 6/1, the Conference recognized that the Convention offered expanded opportunities for international cooperation in various areas of the fight against transnational organized crime and had in that regard a potential that was yet to be fully explored. In the same resolution, the Conference welcomed the activities carried out by the Working Group on International Cooperation and requested UNODC, in conjunction with Member States, to continue to establish networks and other mechanisms to facilitate formal and informal cooperation, including through regional and interregional meetings and exchanges of experience among practitioners, with a view to taking stock of and sharing knowledge acquired through those instruments and mechanisms and the Working Group.

In its decision 3/2 on the implementation of the provisions on international cooperation in the Organized Crime Convention, the Conference decided that an open-ended working group on international cooperation would be a constant element of the Conference of the Parties. The next meeting of the Working Group on International Cooperation will be held during the seventh session of the Conference.

Documentation

Report of the Secretariat on the activities of the United Nations Office on Drugs and Crime to promote the implementation of the provisions on international cooperation in the United Nations Convention against Transnational Organized Crime (CTOC/COP/2014/10)

5. Technical assistance

In its resolution 6/4 on the implementation of the provisions on technical assistance of the Organized Crime Convention, the Conference noted that technical assistance was a fundamental part of the work carried out by UNODC to assist Member States in the effective implementation of the Convention and the Protocols thereto and welcomed the work of the Working Group of Government Experts on Technical Assistance. For its consideration of the item, the Conference will have before it a report of the Secretariat on the provision of technical assistance to States in the implementation of the Convention and its Protocols.

In the same resolution, the Conference reaffirmed its decision 4/3, in which it had decided that the Working Group should be a constant element of the Conference.

Furthermore, as reflected in the report on its meeting held in Vienna from 28 to 30 October 2013 (CTOC/COP/WG.2/2013/5), the Working Group of Government Experts on Technical Assistance recommended that the Conference, at its seventh session, should consider initiating discussions regarding the possibility of the Working Group developing and following a multi-year workplan for its future meetings.

At its meeting held on 12 December 2013, the extended Bureau of the Conference agreed that the report on the meeting of the Working Group of Government Experts on Technical Assistance held in Vienna from 28 to 30 October 2013 would be transmitted to the Conference at its seventh session.

The next meeting of the Working Group of Government Experts on Technical Assistance will be held during the seventh session of the Conference.

Documentation

Note by the Secretariat transmitting the report on the meeting of the Working Group of Government Experts on Technical Assistance held in Vienna from 28 to 30 October 2013 (CTOC/COP/2014/9)

Report of the Secretariat on the provision of technical assistance to States in the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (CTOC/COP/2014/11)

6. Financial and budgetary matters

In its resolution 55/25, the General Assembly decided that, until the Conference decided otherwise, the account referred to in article 30 of the Organized Crime Convention would be operated within the United Nations Crime Prevention and Criminal Justice Fund, and encouraged Member States to begin making adequate voluntary contributions to the above-mentioned account for the provision to developing countries and countries with economies in trans ion of the technical

assistance that they might require for the implementation of the Convention and its Protocols, including for the preparatory measures needed for that implementation.

In accordance with rule 72 (Preparation of a budget) of the rules of procedure for the Conference, the secretariat is to prepare a budget for the financing of the activities of the Conference related to technical cooperation undertaken in accordance with articles 29-32 of the Convention, article 10 of the Trafficking in Persons Protocol, article 14 of the Smuggling of Migrants Protocol and article 14 of the Firearms Protocol and communicate it to the States parties at least 60 days in advance of the opening of the regular session at which the budget is to be adopted. In accordance with rule 73 (Adoption of the budget) of the rules of procedure, the Conference shall consider and decide on the budget prepared pursuant to rule 72.

Documentation

Note by the Secretariat on financial and budgetary matters (CTOC/COP/2014/12)

7. Provisional agenda for the eighth session of the Conference

The Conference is to consider and approve a provisional agenda for its eighth session, which shall be drawn up by the secretariat in consultation with the Bureau.

8. Other matters

As no issues to be raised under item 8 have come to the attention of the Secretariat, no documentation regarding this item is currently foreseen.

9. Adoption of the report of the Conference on its seventh session

The Conference is to adopt a report on its seventh session, the draft of which will be prepared by the Rapporteur.

Annex

Proposed organization of work

Date/time	*Plenary*	*Parallel meeting*
Monday, 6 October		
10 a.m.-1 p.m.	Item 1 (a). Opening of the session Item 1 (b). Election of officers Item 1 (c). Adoption of the agenda and organization of work Item 1 (d). Participation Item 1 (e). Adoption of the report of the Bureau on credentials Item 1 (f). General discussion	
3-6 p.m.	Item 2. Review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto Item 2 (a). Organized Crime Convention	Working Group of Government Experts on Technical Assistance
Tuesday, 7 October		
10 a.m.-1 p.m.	Item 2 (b). Trafficking in Persons Protocol	Working Group of Government Experts on Technical Assistance (*continued*)
3-6 p.m.	Item 2 (c). Smuggling of Migrants Protocol	Working Group of Government Experts on Technical Assistance (*continued*)
Wednesday, 8 October		
10 a.m.-1 p.m.	Item 2 (d). Firearms Protocol	Working Group on International Cooperation
3-6 p.m.	Item 3. Other serious crimes, as defined in the Convention, including new forms and dimensions of transnational organized crime	Working Group on International Cooperation (*continued*)
Thursday, 9 October		
10 a.m.-1 p.m.	Item 4. International cooperation, with particular emphasis on extradition, mutual legal assistance and international cooperation for the purpose of confiscation, and the establishment and strengthening of central authorities	Working Group on International Cooperation (*continued*)
3-6 p.m.	Item 5. Technical assistance	
Friday, 10 October		
10 a.m.-1 p.m.	Item 5. Technical assistance (*continued*)	

Date/time	*Plenary*	*Parallel meeting*
3-6 p.m.	Item 6. Financial and budgetary matters Item 7. Provisional agenda for the eighth session of the Conference Item 8. Other matters Item 9. Adoption of the report of the Conference on its seventh session	